

1895-063 Chancery Causes: William A. Parsons vs. J. C. Jesse &  
Lee Co.

Russell

CA - Contract Dispute  
T - Property

- Land survey



To the Hon. W. T. Miller, Judge of the Circuit Court for Lee County,

Humbly & complaining, your orator, William A. Parsons, a citizen of the said County of Lee, respectfully represents unto your honor, that heretofore, to-wit, on the 12th day of January, 1894, he was the owner of a large tract of land lying and being in Lee County, in the "Pocket" country, and containing about 412 acres; that on that day, one W. C. Parsons was the owner of two tracts in said County, one known as the F. R. Stickley tract and the other as the Wynn tract; that on the said day, your orator and the said W. C. Parsons exchanged lands, which exchange is evidenced by a contract in writing signed by both your orator and the said W. C. Parsons; that by the terms of the said contract and exchange, your orator's said 412 acres was valued at \$10.00 per acre and the Wynn tract at \$2500.00, and the Stickley tract was valued at \$10.00 per acre. At the time that the said contract was made and signed, it was not known how many acres there was in the Stickley tract, because a part of it had a few days previous been sold to one *Nash* Garrett by said W. C. Parsons. It will be seen from an inspection of the said contract, which is here filed and prayed to be made a part of this bill, that the said W. C. Parsons was to pay your orator a difference, and whatever it might be when the Stickley land was ascertained, one-third in thirty days from the date of the said contract, one-third in *12 months* from the date of the said contract and one-third, in *2 years* from the said date of said contract, with interest from the time that the said W. C. Parsons got possession of the said 412 acres.

Your orator will further show unto your honor that soon after the said exchange was made he took possession of the said Wynn tract and Stickley tract, last tract has been ascertained to contain *75* acres; that the said W. C. Parsons took and your orator gave him possession of the said 412 acres on the 1st day of January, 1895; that on several occasions, during the year 1894, the said W. C. Parsons paid your orator the sum of *\$385.00*; that there is now due, or rather unpaid to your orator on the difference on said lands the sum of \$315.00, which will become due on Jan. 12th., 1896.

Your orator will also show unto your orator that on the *17<sup>th</sup>* day of February, 1895, the said W. C. Parsons departed this life intestate, without having made to your orator a deed to the said two tracts of land, and without your orator having made to him a deed to the said 412 acres of land; that he left surviving him as his heirs at-law, five children, to-wit, Ellen Jesse, wife of J. C. Jesse, Eva Russell, wife of B. J. Russell, George W. Parsons, Rebecca Par-



sons, and Wheeler P. Parsons, and a widow F. E. Parsons; but your orator denies that the said F. E. Parsons widow of the said W. C. Parsons would have any dower rights in either of the said Wynn or Stickley tracts, because, of the exchange of made as aforesaid, she can only claim dower in one or other of the lands, the 412 acres or the Wynn and Stickley tracts, and that by election, and your orator is informed and alleges that she has elected to claim her dower in the 412 acres; she has brought a suit against the said children and heirs to have dower assigned to her out of the estate of her husband and therein specially asserts her claim to dower in the said 412 acres.

Your orator will further represent unto your honor that he has made and here files with this his bill a deed to said 412 acres of land as an escrow deed to be delivered in the event that he gets title to the said Wynn and Stickley tracts, and that said \$315.00 is paid him; that the grantees in the said deed are the said Ellen Jesse, Eva Russell, George W. Parsons, Rebecca Parsons and Wheeler P. Parsons; and that after the death of the said W. C. Parsons the said J. C. Jesse and H. J. Russell were granted letters of administration on the estate of the said W. C. Parsons, who have taken possession of all the personal effects of the said W. C. Parsons and are proceeding to administer the same.

The premises considered, your orator is advised, that in a court of equity, he has a right to have title extracted from the said children and heirs at-law of the said W. C. Parsons of the said Wynn and Stickley tracts of land; that he has a right to have paid him on the balance of the purchase money the said \$315.00 with interest thereon from the 12<sup>th</sup> day of January, 1895, out of the personal es//tate of said decedent, if there be sufficient, and if not a sufficiency, then to have the same paid to him by a sale of enough of the said 412 acres of land to pay the same; and to have all necessary and proper accounts taken by the Court's commissioner, marshaling the assets and liabilities of said Decedent, and that is the object of this bill.

The prayer therefore of your orator is that Ellen Jesse, Eva Russell, George W. Parsons, Rebecca Parsons, Wheeler P. Parsons, F. E. Parsons, and H. J. Russell *in their own right* ~~and~~ *H. J. Russell* *J. C. Jesse* and J. C. Jesse administrators of the estate of the said W. C. Parsons be made parties defendants to this bill of complaint; that they be required to answer the same, but they need to do so on oath, that being waived; that a guardian ad litem be appointed for the said infant defendants, George W. Parsons, Rebecca Parsons and Wheeler P. Parsons to defend their interests hereon



herein; that the said F. E. Parsons be estopped to set up or claim any dower rights in or to the said Wynn and Stickley tracts of land; that a decree be pronounced herein directing the adults defendants to convey their respective interests in and to the said Wynn and Staickley tracts; that a commissioner be appointed  $\equiv$  for the said infants to convey their respective interests in and to the same land; that a judgement be given your orator for the said \$515. with interest thereon from the first day of January, 1895, till paid, against the said administrators of said estate; and that all proper and necessary accounts be taken herein that may be necessary to enforce the collection of the said sum of money; and if necessary, that a decree of sale be awarded your orator of enough of the said 412 acres of land to pay off the said sum of money due as aforesaid to your orator from the said estate. And that all other, further and general relief be granted your orator deemed consistent with the rules of equity and good conscience. May Process issue etc. And your orator will ever pray etc.

*Pennington Bros.*

P.O.



Know all men by these presents  
that this Contract made and enter-  
ed into this the 12<sup>th</sup> day of January,  
1894 by and between M. C. Parsons  
party of the first part and Wm A.  
Parsons party of the second part:  
and both of Lin County, Va

Witnesseth that the said Wm A.  
Parsons has this day sold and  
agrees to convey <sup>to said M. C. Parsons</sup> with Covenants &  
General Warranty his land lying  
and being in Lin County, in the  
Rocky Country with an option  
of pulling in Alex Allens land  
situated in the same County,  
at the price of \$1000 (\$1000) dol-  
lars per acre and supposed to be  
in all 4 1/2 acres; for a more par-  
ticular description of this reference is  
here made to the title papers of  
said Wm A. Parsons and said Allen;  
which land is to be paid for as  
follows; to wit by said M. C. Par-  
sons: First said M. C. Parsons  
has sold and agrees to convey or  
cause to be conveyed to said Wm A.  
Parsons the land and interest  
in land which said M. C. Parsons  
bought at a Court sale in the  
Chancery Cause of Beaumgard and  
Russell Adams, &c vs. R. L. Hyatt et al  
and inclusive of the land on which



the widow Hyman has her dower,  
is supposed to be  $168\frac{1}{2}$  acres at the  
price of \$2500; second to convey  
or cause to be conveyed the tract  
of ~~the~~ land known as the F.R.  
Stickley land in the bush country  
at the price of \$10<sup>00</sup> per acre, or  
as much thereof as said M. C. Par-  
sons now owns or may be able in  
a reasonable time to procure from  
S. W. Garrett, and the residue of  
the purchase price of said  $41\frac{1}{2}$  acres  
going to said <sup>Wm</sup> A. Parsons, after taking  
out of the price thereof said \$2500<sup>00</sup>  
for said Hyman land and whatever  
sum said Stickley land may amount to,  
said M. C. Parsons promises to  
pay said <sup>Wm</sup> A. Parsons one-third  
within 90 days from this date, one-  
third in twelve months and the  
other third in two years from this  
date, said M. C. Parsons is not to  
pay any interest on any sum of money  
he may have to pay to said <sup>Wm</sup> A. Parsons  
until after he gets possession of  
said  $41\frac{1}{2}$  acres of land or such part  
thereof as said M. C. Parsons may  
get. Witness our hands & seals  
the day & year first above written

M. C. Parsons (seal)

M. C. Parsons (seal)



M. C. & J. A. Parsons

Contract

J. M. A. Parsons

vs { Bill in Chancery &  
exhibits

J. C. Jones et al.

1895. 2nd May Rules bill  
filed Spa Executed  
& Decree nisi

" 1st June rules Decree  
Nisi Coufd & Cause  
Set for hearing by  
Plff.



To the Hon. Wm. T. Miller, Judge of the Circuit Court for Lee County:

The joint answer of G. W. Parsons, Rebecca Parsons and Wheeler P. Parsons by infants under the age of 21 years by C. H. Jones Their guardian ad litem assigned to defend them in this suit to a bill of complaint exhibited against them and others in the Circuit Court for the County of Lee by W. A. Parsons.

The respondents reserving to themselves the benefit to all exceptions to the said bill for answer thereto or so much thereof as they are advised that it is material they should answer by their said guardian ad litem answering says that they are infants of tender years and by reason of their infancy are incapable of understanding or of taking care of their rights and interests. They therefore by their said Guardian commit themselves and their rights and interests into the hands of the court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered pray to be hence dismissed with their reasonable costs in this behalf expended and they will ever pray &c.

George W. Parsons.

Rebecca Parsons.

Wheeler P. Parsons.

BY C. H. Jones.

their Guardian ad litem



J. C. Jessen, et al.

answ. of  
ads Guardian ad Litem

from a Person



William A. Parsons Complt.

Vs.

In Chancery.

J.C. Jessee et als. Defts.

This cause came on again to be heard upon the papers formerly read therein and the report of Comr. R.L. Pennington with his deed filed therein, which report <sup>+ deed</sup> was filed in said cause <sup>day</sup> this, and being unexcepted to, it is adjudged, ordered and decreed that the said report and deed be and the same are hereby confirmed, and the clerk of this court, on the payment by said W.A. Parsons the sum of \$5.00 to the said Pennington, will turn over and deliver up to him, the said William A. Parsons the said deed of R.L. Pennington Comr/etc. ~~to him~~. And the clerk <sup>of</sup> this court is further directed, to turn over, deliver up the escrow deed, which the said plaintiff filed in the said cause, to the heirs of the said M.C. Parsons, or either of them. And there being nothing further to be done in this cause, it is ordered to be stricken from the docket



Wm A. Parsons  
vs. Dreamfinal  
J.C. Garrison et al

O.B.  
Page 204

Entered this  
June 6th 1895.  
N. C. M.



William A. Parsons Complt.

vs.

J. C. Jessee et als Defts.

This cause came on this day to be heard upon the bill of the complainant, exhibits filed therewith, the answer of ~~of~~ George W. Parsons, Rebecca Parsons and Wheeler P. Parsons, infants, by C. H. Jones, their guardian ad litem, and replication thereto, and was argued by counsel. And it appearing to the Court that process has been duly served upon the adult defendants for more than 15 days before the first day this term of the Court, and they ~~§~~ failing to appear, plead, answer, or answer to the said bill, on the motion of the said Complainant, his said bill as to them is taken for confessed: And on consideration of all which and for reasons appearing to the Court, it is adjudged, ordered and decreed, as follows, to-wit:

1st. That the defendant F. E. Parsons, widow of of the late M. C. Parsons, be and is hereby for ever precluded and estopped from setting, either in a court of law or equity, any rights of dower, in and to the lands in the bill and proceedings mentioned and known as the Wynn and Stickley tracts of land;

2nd. That the said William A. Parsons recover from H. J. Russell and J. C. Jessee administrators of the estate of M. C. Parsons the sum of \$315.00 with legal interest thereon from the 1st. day of January, 1895, till paid and the costs of this suit, but no execution shall issue thereon until after the 1st. day of January, 1896; and

3rd. That R. L. Pennington, who is hereby appointed a special for the purpose, with covenants of special warranty will as soon as practicable, convey the interest of the said defendants in and to the lands in the bill and proceedings mentioned, to the said William A. Parsons by proper meets and bounds,



and he will report his action to a future day of this term of the Court, until which time this cause is continued.

W. A. Parsons, Complainant,

vs.: Decree

J. C. Jesse, et al Defendants.

Enter this June the \_\_\_\_ 1892



Wm A. Parsons  
vol 1  
J. C. Jensen et al

C.B.  
Page 201

Enter this  
June 5 1895.

W. M.



William A.Parsons Complt. .

Vs/ J.C.Jessee et als. Defts.

J.C.Jessee et als defts. .

To the Hon.W.T.Miller,Judge of the Circuit Court for  
Lee County:

Your undersigned commissioner,who was on yester-  
day appointed a special commissioner to convey title to the  
said W.A.Parsons,in and to the lands in the bill and proceed-  
ings mentioned,begs leave to report,that he to day has made  
the deed required to be made by him,and here begs leave to  
file the same. Now having done what was required of him he  
begs to be relaved from further duty in this cause. All which  
is respectfully submitted,this the 6th.day of June,1895.

*Robert L. Cunningham*

Special Comr.



Mr A. Parsons  
only Report of Genl  
J. C. Jones



Beginning at a large white oak  
corner to J. A. S. Hyatts and J. P. Babcock  
land, thence N.  $48^{\circ}12'2''$  E. 157.2 poles  
to a stake corner to the land  
which M. C. Parsons sold to  
Geo. H. Garrett, thence S.  $84^{\circ}14'$   
W. 77 $\frac{1}{2}$  poles to stake in original  
line, thence S.  $50^{\circ}14'15''$  W. 168.7  
poles to a stake in the Richmond  
land, corner to France Willis  
land, thence N.  $36^{\circ}12'15''$  W. 18 poles  
to a stake among white oak  
pointers, thence N.  $23^{\circ}12'15''$  W. 85  
poles to the Beginning. 75 acres



Beginning on a Rock on the upper side  
of the road on Mr. Collier's line S 79 E 11  
poles to a Whitewash S 67 1/2 E 6 poles to a Rock  
Hence leaving the Road and Collier's line  
N 14 W 14 poles to a Stake on a Side Hill S 76 W  
17 poles to a Stake S 14 E 14 poles to the Beginning  
containing 1 1/2 Acres this comes out of the  
Dower, John C. Elliott Sur.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*F. E. Parram, Tellus Jessor, J. C. Jessor, Eva Ruesse, S. J. Ruesse, George W. Parram, Rebecca Parram & Wheeler P. Parram, & S. J. Russell & J. C. Jessor Administrators of the Estate of M. C. Parram*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *32<sup>d</sup>* Monday in *May*, 189*5*, to answer a bill in Chancery,

exhibited against *them* in our said court by *John A. Parram*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*16* day of *May*, 189*5*, and in the 11 *9* year of the

Commonwealth.

*A B Munsey* Clerk.

*A Copy Teste A B Munsey Clerk*



vs. { SUPCENA  
IN CHANCERY.

p. q.

To ..... Rules,  
Circuit Court.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*F. E. Parram, John James J. C.  
James, Edw Russell, N. J. Russell & George W. Parram  
& Rebecca Parram Wheeler P. Parram in their own right  
& J. J. Russell & J. C. James Administrators of the Estate of M. C. Parram*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in

*May*

, 189*5*, to answer a bill in Chancery,

exhibited against

*them*

in our said court by

*Wm. A. Parram*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*16*

day of

*May*

189*5*, and in the 11

*9*

year of the

Commonwealth.

*A B Munsey*

Clerk.

*A Copy Lest A B Munsey Clerk*



\_\_\_\_\_  
\_\_\_\_\_  
vs. { SUPCENA  
IN CHANCERY.

\_\_\_\_\_  
\_\_\_\_\_  
p. q.

To \_\_\_\_\_ Rules,  
Circuit Court.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *F. E. Parram, Elber Jesse J. C. Jesse*  
*Eva Russel, H. J. Russel, George H. Parram, Rebeca Parram*  
*Walter O. Parram* in their own right, & *H. J. Russel*  
*J. C. Jesse* Administrators of the estate of *M. C. Parram*,  
to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said  
Court on the *3rd* Monday in *May*, 189*5*, to answer a bill in Chancery,  
exhibited against *them* in our said court by *Wm. A. Parram*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the  
*16* day of *May*, 189*5*, and in the 11 *9* year of the  
Commonwealth.

*A. B. Munsey* Clerk.



The accept- service of the within  
when no administrators of the  
estate of M.C. Parsons decd.  
May 20, 1845. Russell & Jesse Adams

Copies for H. J. Russell &  
J. C. Jesse

Wm A. Parsons

vs. { SUPENA  
IN CHANCERY.

H. J. Russell et al

Pennington Brosp. q.

To 2<sup>nd</sup> May Rules,  
Circuit Court.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *F. E. Parsons. Ellen Jesse. J. L. Jesse*  
*Eva Russell. H. J. Russell, George W. Parsons.*  
*Rebecca Parsons, Wheeler P. Parsons.*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *May*, 189*5*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Wm A Parsons*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

*11th* day of *May*, 189*5*, and in the 11*9th* year of the

Commonwealth. *A. B. Munsey* Clerk.



Wm A. Parsons

VS. { SUPREMA  
IN CHANCERY.

F. E. Parsons et al

Pennington Bros. p. q.

To 2<sup>nd</sup> May Rules,  
Circuit Court.

Virginia, in County, to wit:

I, A. G. Hyatt, a notary public in and for the County  
& State aforesaid, do hereby certify that Wm M. Pennington per-  
sonally appeared before me in my County aforesaid, and made  
oath that he on the 15<sup>th</sup> day of May, 1895, delivered a copy of the  
within process to F. E. Parsons, Rebecca Parsons Eva Russell,  
W. J. Russell, and Ellen Jesse and Wheeler P. Parsons; and he fur-  
ther made oath that F. E. Jesse was not found at his usual place of  
abode, and that he on May 15<sup>th</sup> 1895 delivered to Ellen Jesse a copy of the  
within process, and giving her information of its purport; and he further  
made oath that the said George W. Parsons was not found at his usual  
place of abode and that he delivered to W. J. Russell with whom said  
George lived and a person over 16 years old, on May 16<sup>th</sup> 1895, a copy of  
the within process explaining the giving him information of its purport  
which made my hand this May 15<sup>th</sup> 1895. A. G. Hyatt Not Pub



11 " A. Parsons

25. *See* *See* *See*

J. C. Jessen & Co

Depts Costs  
C 95-

1895- 2nd May rules bill  
filed Spa Executed  
Decree nisi

11 1st June rules taken the  
last Monday in May  
Decree nisi confirmed  
& Cause set for hearing

June Term 1895 Decree  
final See Chy order  
Book Page 204

Plffs Costs

7.52

Oct 18: 00

25

82 2.77

G. A. L. 2.1 / 5-6

Spring 8-00

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